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Summary record of the 2084th (Chamber A) meeting
Held at the Palais des Nations, Geneva, on Thursday, 21 January 2016, at 10 a.m.

Chair: Ms. Aldoseri (Vice-Chair)

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In the absence of the Chair, Ms. Aldoseri, Vice-Chair, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of Brunei Darussalam (CRC/C/BRN/2-3; CRC/C/BRN/Q/2-3 and Add.1)

1. *At the invitation of the Chair, the delegation of Brunei Darussalam took places at the Committee table.*

2. **Ms. Abdul Jalil** (Brunei Darussalam) said that her country had undertaken various initiatives over the previous decade to enhance its implementation of the Convention. It was in the final stages of ratifying the Convention on the Rights of Persons with Disabilities and had withdrawn its reservations to article 20, paragraphs 1 and 2, and article 21, subparagraph (a), of the Convention on the Rights of the Child. However, it retained its reservations to provisions of the latter Convention that might be contrary to the beliefs and principles of Islam, specifically article 14, article 20, paragraph 3, and article 21, subparagraphs (b) to (e).

3. The Ministry of Culture, Youth and Sports coordinated the implementation of action plans carried out by various inter-agency consultative bodies to promote and protect children's rights. That ensured an integrated approach to the implementation of the Convention and enabled the early detection of high-risk cases involving vulnerable children. Issues relating to children had previously been addressed through the action plans of various special committees set up under the National Council on Social Issues. However, in December 2015, the Council had decided that children's issues should be handled separately, with a focus on the implementation of the Convention.

4. Brunei Darussalam had recently developed the National Child Online Protection Framework, the implementation of which was coordinated by the Child Online Protection Committee. In line with the Children and Young Persons Act, the Ministry of Culture, Youth and Sports was working with government and non-government stakeholders to streamline the mandates of various child protection action teams in order to improve their effectiveness and prevent the duplication of resources.

5. Her country provided free universal primary education and free secondary education for citizens and permanent residents. As a result, enrolment rates and youth literacy stood at almost 100 per cent. Nevertheless, measures had been taken to further improve school attendance, including with the introduction of a system to monitor attendance electronically. Cooperation with relevant stakeholders, including NGOs, had strengthened State efforts to target absenteeism.

6. The inclusion in the regular classroom of students with special physical and mental needs had a long history in Brunei Darussalam. Since 2008, nine Model Inclusive Schools had been established. They were equipped with specialized resources to enable students to actively participate in the classroom and acquire relevant skills. Government efforts to promote the rights and welfare of persons with disabilities were reinforced by several NGOs, including one devoted to participation in the Special Olympics by athletes with disabilities and others for the hearing-impaired and those with Down Syndrome. Annual grants totalling approximately US$ 206,000 and plots of land on which to build their permanent premises were also provided to NGOs working with persons with disabilities.

7. In October 2014, the National Strategy of Maternal, Infant and Young Child Nutrition had been launched. A strong emphasis had been placed on breastfeeding; the Ministry of Health had set the target of a 50 per cent exclusive breastfeeding rate by 2020. Brunei Darussalam collaborated on children's issues with stakeholders at the

regional level. In 2014, it had organized a training workshop to build capacity among the countries of the Association of Southeast Asian Nations (ASEAN) in the area of children's rights. In 2015, ASEAN leaders had adopted the Regional Plan of Action on the Elimination of Violence against Children, which would guide national and regional efforts to ensure children's welfare and protection.

8. While her country was committed to fulfilling its obligations under the Convention, it had limited technical expertise in implementing child protection strategies and would therefore welcome assistance from the United Nations system.

9. **Ms. Muhamad Shariff** (Country Rapporteur) said that the State party should consider reviewing its remaining reservations to the Convention.

10. She asked whether measures would be taken to improve the State party's mechanism for the collection and consolidation of disaggregated data relating to children, in particular vulnerable children. Referring to the Committee's previous concluding observations, she expressed concern about the effectiveness of the State party's monitoring of the implementation of the Convention and the lack of an independent monitoring mechanism with a mandate to receive individual complaints from children. Would measures be taken to address those failings? She would also welcome information on the budget allocated to implementing the Convention.

11. The dissemination of the Convention in the State party, in particular among vulnerable children, people living in rural areas and professionals working in the area of children's rights, was inadequate. She requested more information on measures taken to raise awareness of the Convention, improve the understanding of its application and provide relevant professional training.

12. She would welcome examples of cases in which the best interests of the child had been taken into account by administrative, legal and judicial bodies. Were children able to express their views in custody and disciplinary cases? It would be interesting to know to what extent children's views were considered and addressed by the Government and whether they had the opportunity to serve on advisory bodies. She would also welcome a comment on the fact that mothers in Brunei Darussalam did not enjoy the same right as fathers to confer their nationality on their children. Lastly, she asked what measures were being taken to promote the safe use of the Internet by children and to protect children from abuse, neglect and exploitation.

13. **Mr. Nogueira Neto** (Country Rapporteur) said that he would like to have more information on the content and implementation of the Syariah Penal Code Order and how that legislation would affect children in the State party. He asked whether the State party intended to prepare and implement a comprehensive policy that addressed the needs of children and was supported by adequate financial, technical and human resources. He also wished to know how the State party guaranteed that the National Council on Social Issues was provided with sufficient resources to effectively monitor the implementation of the Convention and how civil society was involved in the planning and implementation of initiatives to protect children's rights.

14. He asked whether there were plans to develop a comprehensive strategy to eliminate discrimination against all children and how the law protected marginalized children. Would the State party consider enacting legislation that guaranteed the right of all children to freedom of thought, conscience and religion? Such legislation might be supported by awareness campaigns aimed at combating intolerance and promoting religious dialogue.

15. He wished to know whether the State party was considering the prohibition of corporal punishment in all settings. How would it ensure that relevant legislation was implemented effectively and legal proceedings systematically brought against those

who inflicted corporal punishment on children? Were there any plans to conduct programmes to raise awareness of the damaging psychological and physical effects of corporal punishment and promote alternative disciplinary measures?

16. **Ms. Sandberg** said that she would be interested to know how many cases of child abuse had been reported through the children's helpline and how those calls had been followed up. Overall, the number of cases of domestic violence against persons under the age of 18 reported in 2014 seemed very low, which could suggest that many cases had gone unreported. She asked whether there was a culture of silence surrounding child abuse, in particular sexual abuse, and how easy it was for children to report such incidents.

17. **The Chair** expressed concern about the practice of female genital mutilation in the State party, in particular in the Muslim community. Were any practical measures being taken to prohibit and criminalize that harmful practice? With regard to the differing minimum ages of marriage stipulated in domestic laws, she asked whether measures were being taken to harmonize the legislation and set the minimum age of marriage for all children at 18 years.

18. **Mr. Gastaud** said that he was concerned that the authorities in Brunei Darussalam were not respecting the right to freedom of religion, as provided for in the Convention. A comment on what steps the Government was taking to prevent repression on grounds of religion would be appreciated.

19. **Ms. Aho Assouma** said that she wished to know what efforts were being made to ensure the birth registration of all children, particularly those in rural areas. She was also concerned that, during the period in which an abandoned child who had been reported to the authorities awaited adoption, the child did not possess any official name. Certain population groups were unclear on the procedure for registering a child's birth and she asked whether awareness-raising campaigns had been launched in that regard.

20. **Ms. Abdul Jalil** (Brunei Darussalam) said that it was difficult to ascertain exactly how much of the State budget was set aside to implement the Convention. Each ministry had its own budget, but the issue of children's rights was multisectoral and, therefore, it was not easy to calculate overall expenditure across the various ministries. The Government hoped to move towards a more streamlined form of budgeting. National data collection was carried out on the basis of the United Nations standard international age classifications. Discussions were taking place with the national statistics centre and with the police to further improve data collection.

21. **Ms. Abdul Hamid** (Brunei Darussalam) said that awareness-raising programmes regarding the Convention had been launched by the Department of Community Development. Universal Children's Day was celebrated annually, the Government received technical support from United Nations agencies for children's programmes and the Convention was circulated among NGOs and State bodies. Civil society organizations, such as the National Council of Social Welfare, held national forums and consulted with Government agencies on issues pertaining to children's rights. Regional meetings on the Convention were also organized. Juvenile court magistrates had not so far received formal training on children's rights but some had been sent to judicial institutions in Singapore and New Zealand to observe their juvenile justice system and to incorporate the best practices of such overseas systems into domestic procedures.

22. **Mr. Lim** (Brunei Darussalam) said that the Ministry of Education had incorporated the teaching of human rights into the school curriculum and that a peer guidance course had been developed in order to promote awareness of children's rights.

23. **Ms. Abdul Jalil** (Brunei Darussalam) said that human rights were also promoted through inter-agency consultations with NGOs and civil society. The ASEAN Intergovernmental Commission on Human Rights had fostered a better understanding of human rights institutions.

24. In response to a question from **Ms. Sandberg**, she said that the Government did not have an independent monitoring system through which children could lodge complaints, as stipulated in the Paris Principles, but they could do so via a helpline.

25. **Ms. Sulaiman** (Brunei Darussalam) said that domestic laws on the marriage of minors were being reviewed to ensure that they were not inconsistent with obligations under the Convention, the Constitution and sharia law. Persons who wished to marry before the age of 18 required the consent of a parent or guardian, regardless of whether they were Muslim or not, in accordance with the Islamic Family Law Act and the Marriage Act. Both parties had to understand their rights and responsibilities before entering into marriage and Muslims were required to take a premarital course. The Government did not at present have statistics on the number of persons who married before reaching the age of 18.

26. Under the Children and Young Persons Act, the best interests of the child were taken into consideration in cases of custody and adoption. However, the law did not specify an age at which the views of the child could be taken into account by the court. Under the Islamic Family Law Act, a child of sufficient maturity could choose with which parent he or she wished to live in cases of divorce; the child's level of maturity was assessed by the judge.

27. **Ms. Abdul Jalil** (Brunei Darussalam) said, in response to a remark by **Ms. Sandberg**, that the Government would consider the Committee's recommendation that the minimum age of marriage should be set at 18 years, regardless of the religion to which a person belonged.

28. **Ms. Alawi** (Brunei Darussalam), responding to a question by **Ms. Muhamad Shariff**, said that in cases of pregnancy before marriage, a judge might rule in favour of allowing minors to marry in order to ensure the best interests of the child and the mother.

29. **Ms. Sulaiman** (Brunei Darussalam) said that if the pregnancy of the minor was a result of rape, the judge would not necessarily agree to the minor marrying her attacker. In such instances, judges ruled on a case-by-case basis.

30. **Ms. Aho Assouma** said that, despite the delegation's claims that it was possible for a girl who had become pregnant to continue with her education, it would seem difficult for her to maintain the household, look after a child and attend school. She asked whether the Government had introduced measures to support young girls in such a situation.

31. **Ms. Sulaiman** (Brunei Darussalam) said, in response to remarks by **Ms. Sandberg**, that different conditions were imposed on minors entering into marriage depending on whether the parties were Muslim or not. Under the Islamic Family Law Act, a judge was required only to obtain consent from the couple and the consent of the *wali nasab* or *wali Hakim* (person appointed to give away a woman in marriage). However, under the Marriage Act, the judge could decide whether to grant the minors in question the right to marry.

32. **Mr. Lim** (Brunei Darussalam) said that pregnant girls usually came from socioeconomically deprived family backgrounds, so it would be unduly harsh to deny them the opportunity to continue their education. Under the Compulsory Education Act, they were required to return to school if they were under 15 years of age, but if they were older, they could choose whether or not to continue their education.

33. In reply to a question from **the Chair**, he said that children's views were taken into account by the relevant authorities, although there was no centralized platform for their expression. Schools had set up prefects' councils and similar bodies.

34. **Mr. Gastaud** asked whether children could be members of councils that expressed opinions on such matters as the curriculum, timetables or premises.

35. **Ms. Abdul Hamid** (Brunei Darussalam) said that the Child Online Protection Committee, which had been appointed to deal with the problem of inappropriate material on the Internet, contained representatives of various sectors and reported to the Ministry of Culture, Youth and Sports. It operated regular programmes on keeping children safe from cybercrime and bullying online.

36. **Ms. Abdul Jalil** (Brunei Darussalam) said that a helpline was available for children in the event that they did not want to speak to the police. It was operated by trained social workers.

37. **Ms. Adbul Hamid** (Brunei Darussalam) said that the helpline was open 24 hours a day, 365 days a year, staffed by trained social workers. Once a report was received, it could be referred to the relevant authorities. Children could also express their concerns on the Facebook page of the counselling section of the Department of Community Development.

38. **Ms. Abdul Jalil** (Brunei Darussalam) said that, under the Children and Young Persons Act, it was an offence to abuse, assault, neglect, abandon or expose a child to treatment that might cause physical or emotional harm or to leave a child without reasonable supervision.

39. **Ms. Sandberg** asked what the situation was in practice.

40. **Ms. Sulaiman** (Brunei Darussalam) said that, under the Code of Criminal Procedure, young offenders were subject to the type of light whipping, not exceeding 18 strokes, that might be administered as part of school discipline. Where there was a serious case of corporal punishment in the home, the perpetrator could be prosecuted.

41. **The Chair** asked whether corporal punishment was prohibited in schools.

42. **Mr. Lim** (Brunei Darussalam) said that it had been prohibited since 1984.

43. **Mr. Gastaud** asked whether anyone had been prosecuted for flouting that rule.

44. **Ms. Sandberg** added that, according to a teacher's handbook circulated to all teachers by the Government, corporal punishment could be administered by school principals.

45. **Mr. Rodríguez Reyes** asked whether the State party would consider eliminating corporal punishment altogether and, if not, why not.

46. **Ms. Sulaiman** (Brunei Darussalam) said that no consideration had been given to the matter and no debate had been held.

47. **Mr. Rodríguez Reyes** asked what was preventing such a debate from being held. There was a universal consensus that corporal punishment should be abolished. It was regrettable that the State party seemed to have an intransigent position on the matter.

48. **Ms. Abdul Jalil** (Brunei Darussalam) said that the matter would be put to the National Council on Social Issues, which dealt with issues relating to children.

49. **Ms. Sulaiman** (Brunei Darussalam) said that the sharia Criminal Code had been adopted in 2013 and the first phase of implementation had begun on 1 May 2014. Accordingly, the only sentences currently enforced were those punishable by a fine or imprisonment. Children between the ages of 15 and 18 were subject to the types of

punishments known as *hadd* and *qisas*, except where the child was not able to understand the issue or had not attained the age of puberty. There was a high evidentiary burden in such cases, however — namely, the commission of the offence had to be proved beyond all doubt. All the rights of the accused were protected at every stage of the proceedings.

50. **Ms. Aho Assouma** asked whether punishments could involve the cutting off of hands or feet and whether such punishments could be imposed on a child.

51. **Ms. Alawi** (Brunei Darussalam) said that such punishments were not yet applied, because the second stage of implementation of sharia law had not yet been reached. In any case, children under 15 or children not of sound mind were not subject to such punishment.

52. **Ms. Abdul Jalil** (Brunei Darussalam) said that the National Council on Social Issues did not have its own budget: its purpose was to coordinate the activities and programmes of various ministries that already had had their resources allocated. It ensured that all ministry programmes were regularly monitored.

53. **Ms. Abdul Hamid** (Brunei Darussalam) said that collaboration with NGOs was a long-established practice in Brunei Darussalam. NGOs were regularly consulted about proposals for legislation and took part in inter-agency consultations. Many NGOs working to promote children's welfare were supported by the Government. Such support either took the form of an annual grant or was project-based. NGOs took part in meetings and workshops to exchange experiences and best practices on such issues as criminal justice, education, children in poverty or violence against children.

54. **Ms. Sulaiman** (Brunei Darussalam) said that there was no discrimination between groups of children; all were equal before the law.

55. **Ms. Sandberg** asked what the situation was in practice and in what ways attitudes and cultural stereotypes could be changed. In particular, she would be grateful to hear what action was taken to protect children with a different sexual orientation or gender identity from discrimination.

56. **Ms. Osman** (Brunei Darussalam) said that the delegation would provide statistics on cases of sexual abuse of children. It was less common for children to telephone the helpline than to text the authorities. If the police, a school or a hospital received a report on sexual abuse or violence, they got in touch with the Department of Community Development, which was the lead agency dealing with such matters. The Department then joined in the investigation of the incident and sought the best way forward. The Department issued an annual information booklet on how children should be protected from all forms of violence.

57. **Ms. Sandberg** asked whether the reporting of domestic violence by children was considered taboo, how complaints were investigated and whether measures were in place to assist children who had been neglected or exposed to sexual abuse in the family.

58. **Ms. Osman** (Brunei Darussalam) said that, thanks to awareness-raising initiatives, children felt comfortable about reporting instances of abuse, as evidenced by the significant number of complaints that had been filed in recent years. Children who were removed from their family environment after suffering abuse were entrusted to other relatives or offered temporary accommodation by the State for the duration of the proceedings against their parents or guardians.

59. **The Chair** requested information, including statistics, on the number and nature of the complaints and on the punishments handed down to perpetrators.

60. **Ms. Osman** (Brunei Darussalam) said that information on punishments was not available, but that data on the number and nature of complaints would be sent to the Committee in due course.

61. **Ms. Abdul Jalil** (Brunei Darussalam) said that the Government supported calls by the World Health Organization (WHO) for the elimination of female genital mutilation (FGM) and for the enactment of legislation to protect women and girls from all forms of violence. It had some reservations, however, about the WHO definition of type 1 FGM (clitoridectomy). Female circumcision as practised in Brunei Darussalam was not harmful and did not constitute FGM, which was punishable under the Criminal Code.

62. **Ms. Abdul Jalil** (Brunei Darussalam) said that, although Brunei Darussalam was an Islamic country, non-Muslims were free to practise their religion without restriction, in accordance with the Constitution.

63. **Mr. Gastaud**, noting that there had been confirmed cases in which public Chinese and Christian celebrations had been prohibited or curtailed, asked whether steps would be taken to prevent similar restrictions from being imposed in the future.

64. **Ms. Abdul Jalil** (Brunei Darussalam) said that religious minorities were free to organize festivities in their homes, in the community and in their places of worship. Moreover, Chinese New Year and Christmas Day were national public holidays. In the cases referred to by Mr. Gastaud, publicly displayed decorations had been taken down to protect the sensibilities of the Muslim population.

65. **Mr. Gastaud** asked whether the Government had taken into account the sensibilities of the Chinese and Christian populations.

66. **Ms. Abdul Jalil** (Brunei Darussalam) said that the Government respected the rights of religious minorities, most of which had never complained and had complied with legislation related to public displays of faith. The decorations in question had been taken down not to restrict the activities of minorities but to ensure that Muslims did not imitate the customs and practices of other religions.

67. **The Chair** enquired about the nature of the events held to celebrate Christmas.

68. **Ms. Abdul Jalil** (Brunei Darussalam) said that all religious groups organized open-house celebrations to which friends of all faiths were invited. In 2015, the Sultan had attended Chinese New Year celebrations at the International Convention Centre in Berakas.

69. **Ms. Aho Assouma** invited the delegation to explain the disparity between the birth registration rates in rural and urban areas and to outline the measures taken to ensure that the births of foundlings were registered promptly.

70. **Ms. Ismail** (Brunei Darussalam) said that birth registration was compulsory and campaigns had been conducted to raise awareness of that requirement. Branches of the Immigration and National Registration Department had been opened in all districts of the country and were easily accessible even in rural areas.

71. **Ms. Ismail** (Brunei Darussalam) said that dual nationality was not recognized, but that women married to a foreign citizen and unmarried mothers, could apply for the country's nationality for her child.

72. **Ms. Abdul Hamid** (Brunei Darussalam) said that abandoned children were registered by the Department of Community Development and given a temporary name that appeared on their birth certificate until they were adopted.

73. **Ms. Sandberg** said that she wished to know what was being done to eradicate stereotypes about the role of women and girls in the family and to promote the equal

participation of mothers and fathers in their children's upbringing. The delegation should comment on the fact that, while polygamy was accepted, adultery was punishable by death. In particular, it should state whether the Government intended to take measures to rectify the situation.

74. She would appreciate information on abandoned children: where they were found, why they were abandoned and how easy it was for their mothers to do so. It would also be useful to know why children were placed outside their family, whether it happened frequently and what steps were being taken to prevent it. Details of the supervision of children who had been placed outside their family would also be welcomed.

75. She asked whether it was true that some adopted and foster children were made to perform work inside and outside the home and, if so, what was being done to address the problem. The delegation should also comment on the measures adopted to regulate intercountry adoption and explain why the Government had not yet ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

76. **Ms. Muhamad Shariff** asked how much stateless children and the children of migrant workers had to pay to access basic health services. She also requested statistics on children with disabilities, disaggregated by type of disability, and asked what rehabilitation programmes were in place for them.

77. She said that she wished to know whether it was true that there was a shortage of qualified health professionals in the State party and, if so, what steps were being taken to overcome the problem. She sought information on the length of maternity leave and on any breastfeeding initiatives that had been launched in the State party. The delegation should also state whether the Government was implementing the International Code of Marketing of Breast-milk Substitutes.

78. She wished to know whether adolescents had access to free reproductive health services on a confidential basis, whether there were many unwanted adolescent pregnancies and, if so, how they were handled. She asked whether abortion was legal in the case of pregnancies resulting from rape or incest, whether sexual and reproductive health education was part of school curricula and whether teachers received appropriate training in the subject.

79. She would welcome information on the mental health services provided to adolescents and children in hospitals, on the number of children seeking such services, on the number of children suffering from drug and substance abuse, on programmes to combat such abuse and on the number of children living with HIV/AIDS.

80. The delegation should describe the support provided to the residents of Kampong Ayer, state whether the Government intended to raise the age of criminal responsibility from 7 years to an internationally acceptable level, indicate whether flogging would be abolished as a form of punishment for boys and respond to concerns about the legal uncertainty caused by the coexistence of the Criminal Code and the sharia Criminal Code.

81. Noting that, according to paragraph 65 of the replies to the list of issues, juvenile court magistrates received no formal training in the field of juvenile justice, she encouraged the State party to provide adequate training to all members of the judiciary. On a different note, she said it would be helpful to know the extent to which stateless children were informed of their right to apply for citizenship.

82. Given that the State party had ratified the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182), she asked whether the Government had drawn up a list of hazardous occupations in which children were

prohibited from working. Lastly, she invited the delegation to respond to concerns that the State party lacked a proactive system to identify victims of trafficking, particularly among vulnerable groups, that the use of children in prostitution was not criminalized and that there were no provisions prohibiting the use, procurement or offering of a child for pornography.

83. **Mr. Gastaud** requested the delegation to comment on reports that large classes were common in State schools and to describe what would be done to improve the situation. He said that he would also like to hear a response from the delegation to complaints from schoolchildren that they were subjected to rigorous discipline and afforded very little leisure time.

84. He wished to know what steps would be taken to ensure that all classrooms were accessible to children with disabilities, whether minority languages were taught in State schools and whether non-Muslims could be excused from Islamic religious education lessons.

85. **Ms. Aho Assouma** requested statistics on the maternal, infant and under-five mortality rates and enquired about programmes to prevent obstetric fistula. She also asked whether women who had undergone a caesarean section were monitored and given recovery kits.

86. She said that she would appreciate information on the protection and specialized health care given to victims of sexual abuse. With regard to HIV/AIDS, she enquired about the prevalence rate and about efforts to increase awareness among adolescents. The delegation should describe programmes to prevent mother-to-child transmission of HIV, to ensure that patients had access to antiretroviral therapy and to support orphans who were HIV-positive.

87. She asked what portion of the government budget was allocated to health, whether there were any specific programmes to tackle obesity and whether campaigns had been launched to promote healthy eating.

88. **Ms. Sandberg** asked whether a victim and witness protection programme had been established within the justice system, whether children could give evidence via video link and whether child victims and witnesses were assigned a social worker.

89. **Mr. Madi** invited the delegation to comment on the fact that, under the sharia Criminal Code, minors aged 15 to 18 years who were found guilty of theft could have one of their hands cut off as a punishment. He also asked whether the second phase of implementation of the Code could lead to the introduction of the death penalty for minors aged 15 to 18 years who committed serious crimes. Lastly, he said that he would be grateful for further details on the adoption process in the State party.

The meeting rose at 12.50 p.m.